

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PAR PHARMACEUTICAL, INC. and
PAR STERILE PRODUCTS, LLC,

Plaintiffs,

v.

QUVA PHARMA, INC., STUART
HINCEN, PETER JENKINS, MIKE
RUTKOWSKI, DONNA KOHUT,
DAVID SHORT, STEPHEN RHOADES,
TRAVIS MCGRADY, and DAVID
HARTLEY,

Defendants.

Civil Action No. 3:17-cv-6115-BRM-DEA

ORDER

THIS MATTER is opened to the Court by the following Motions to Dismiss: (1) Plaintiffs Par Pharmaceutical, Inc. and Par Sterile Products, LLC's (collectively, "Plaintiffs" or "Par") Motion to Dismiss Defendant QuVa Pharma Inc.'s ("QuVa") Counterclaim Six for failure to state a claim (ECF No. 66); (2) Defendants Donna Kohut ("Defendant Kohut"), David Short ("Defendant Short"), Travis McGrady ("Defendant McGrady"), and David Hartley's ("Defendant Hartley") Motion to Dismiss Par's First Amended Complaint (the "Amended Complaint") for lack of personal jurisdiction (ECF No. 165); (3) Defendant Kohut's Motion to Dismiss Count Eight of Par's Amended Complaint for failure to state a claim (ECF No. 167); (4) QuVa, Defendant Stuart Hincen ("Defendant Hincen"), Defendant Peter Jenkins ("Defendant Jenkins"), Defendant Mike Rutkowski ("Defendant Rutkowski"), Defendant Kohut, Defendant Short, Defendant McGrady, and Defendant Hartley's Motion to Dismiss Counts Three, Four, Thirteen, Fourteen, Fifteen, and Sixteen of Par's Amended

Complaint for failure to state a claim (ECF No. 168); and (5) Defendant Stephen Rhoades' ("Defendant Rhoades") Motion to Dismiss Par's Amended Complaint for lack of personal jurisdiction, lack of venue, and failure to state a claim (ECF No. 182). Having reviewed the submissions filed in connection with the motions and having declined to hold oral argument pursuant to Federal Rule of Civil Procedure 78(b), for the reasons set forth below and for good cause shown,

IT IS on this 11th day of January 2019,

ORDERED that Par's Motion to Dismiss QuVa's Counterclaim Six for failure to state a claim (ECF No. 66) is **DENIED AS MOOT**; and it is further

ORDERED that Defendants Kohut, Short, McGrady, and Hartley's Motion to Dismiss Par's Amended Complaint for lack of personal jurisdiction (ECF No. 165) is **DENIED**; and it is further

ORDERED that Defendant Kohut's Motion to Dismiss Count Eight of the Amended Complaint for failure to state a claim (ECF No. 167) is **DENIED**; and it is further

ORDERED that Defendants QuVa, Hinchey, Jenkins, Rutkowski, Kohut, Short, McGrady, and Hartley's Motion to Dismiss Counts Three, Four, Thirteen, Fourteen, Fifteen, and Sixteen of the Amended Complaint for failure to state a claim (ECF No. 168) is **DENIED**; and it is further

ORDERED that Defendant Rhoades' Motion to Dismiss the Amended Complaint for lack of personal jurisdiction, lack of venue, and failure to state a claim (ECF No. 182) is **DENIED**; and it is further

ORDERED that the Opinion be filed under temporary seal; and it is finally

ORDERED that the parties shall submit to the Court within fourteen (14) days via e-mail at njdnef.Martinotti@njd.uscourts.gov a joint proposed redacted version of the opinion to be publicly

posted to the docket following this Court's approval.

/s/ *Brian R. Martinotti*
HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE